

Orr includes on his pleading the case number assigned to his prior § 2255 action. While Rule 60(b) can provide authority for relief from judgment in a § 2255 action, a Rule 60(b) motion merely seeking to revisit a federal habeas court's denial on the merits of previous claims for relief should be dismissed as a successive habeas petition to prevent petitioners from using such a motion to circumvent the rule against successive petitions. *Gonzales v. Crosby*, 545 U.S. 524, 531-32 (2005). Orr's declaration that the court should not construe his submission as a successive § 2255 has no bearing on the court's authority to do just that. *Id.* His submission is merely another attempt to bring a collateral attack on his conviction and is, thus, properly construed and dismissed as a successive § 2255 motion.

This court may consider a second or successive § 2255 motion only upon specific certification from the United States Court of Appeals for the Fourth Circuit that the claims in the motion meet certain criteria. *See* § 2255(h). Court records indicate that Orr previously filed a § 2255 motion concerning this same conviction and sentence, *Orr v. United States*, No. 7:02CV01101 (W.D. Va. May 19, 2004), *appeal dismissed*, No. 04-6962 (4th Cir. Dec. 6, 2004). As Orr offers no indication that he has obtained certification from the court of appeals to file a second or successive § 2255 motion, I must dismiss his current action without prejudice. A separate Final Order will be entered herewith.

ENTER: July 1, 2010

/s/ JAMES P. JONES  
Chief United States District Judge